

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

PETRINA SMITH,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

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No. 19-1348 C

(Judge Smith)

DEFENDANT'S UNOPPOSED MOTION FOR ENLARGEMENT OF TIME

Pursuant to Rule 6(b) and Rule 6.1 of the Rules of the United States Court of Federal Claims, defendant, the United States, respectfully requests a 60-day enlargement of time within which to respond to plaintiff's complaint. The United States' response is currently due by November 4, 2019. The extension would bring the date for responding to the complaint to January 3, 2020. We have not previously requested an enlargement of time for this purpose. Counsel for plaintiff indicated that plaintiff will not oppose this motion.

Defendant has sent to the Department of Veterans Affairs (VA) a copy of the complaint with a request for a litigation report pursuant to 28 U.S.C. § 520. Since VA received our request, VA's counsel has begun to gather information and documents necessary to prepare a litigation report. Additional time is needed to prepare our response to plaintiff's complaint because VA has not been able to prepare the litigation report and to gather all of the necessary information and documents. VA counsel has been unable to complete the litigation report because of the demands of his workload as well as the fact that gathering information and documents requires coordination with another department within VA, the Veterans Canteen Service. Our ability to complete

our response by November 4, 2019, has also been affected by undersigned's workload, including work on a bid protest filed September 16, 2019, *Harmonia Holdings Group, LLC v. United States*, No. 19-1421, which will be fully briefed and argued by November 1, 2019, and briefing in *Yee v. United States*, No. 17-206 (Fed. Cl.), following the Federal Circuit's decision in that case. Also, the undersigned will be on previously scheduled leave for foreign travel November 2-6, 2019, as well as part of the day November 1, 2019.

Once the litigation report is received, defendant's counsel will need sufficient time to review the litigation report, to obtain any additional information or clarification from VA, and to prepare and to file the Government's response to the complaint, following supervisory review. Defendant anticipates that 60 additional days will be sufficient to complete and to file defendant's response.

For these reasons, defendant respectfully requests that the Court grant defendant's unopposed motion for an enlargement of time of 60 days, to and including January 3, 2020, within which to respond to plaintiff's complaint.

Respectfully Submitted,

JOSEPH H. HUNT
Assistant Attorney General

ROBERT E. KIRSCHMAN, JR.
Director

/s/ Reginald T. Blades, Jr.
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October 21, 2019

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